

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 12 2007

CHRISTOPHER JAMES,

No. 07-73176

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

Petitioner,

FILED

v.

OCT 19 2007

D.K. SISTO, Warden,

ORDER

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Respondent.

C-07-3926 CRB (AR)

Before: B. FLETCHER, BERZON and IKUTA, Circuit Judges.

The Clerk shall substitute D.K. Sisto, Warden, as the proper respondent.

See Fed. R. App. P. 43(c)(2).

The application for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus petition in the district court is denied. Petitioner has not made a prima facie showing under 28 U.S.C. § 2244(b)(2) that:

(A) the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and (ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable fact finder would have found the applicant guilty of the underlying offense.

No petition for rehearing or motion for reconsideration shall be filed or entertained in this case. See 28 U.S.C. § 2244(b)(3)(E).

INTERNAL USE ONLY: Proceedings include all events.
07-73176 James, et al v. Hubbard

CHRISTOPHER C.J. JAMES
Petitioner

Christopher C.J. James
D-30379
[COR LD NTC prs]
CMFSP - CALIFORNIA MEDICAL
FACILITY STATE PRISON (SOLANO)
P.O. Box 2000
Vacaville, CA 95696-2000

v.

SUZAN HUBBARD, WARDEN
Respondent

No appearance
[COR LD]
No appearance